

**REMARKS**

Claims 1, 2, 5-15, 18-29, and 32-36 are pending.

Claims 4, 17, and 31 are cancelled.

The Examiner rejected the above claims under 35 U.S.C. §§ 103 and 112 in a non-final Office Action mailed on November 2, 2006. For the reasons set forth in detail below, applicant submits that the present application, including each of the pending claims, is in condition for allowance.

**Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 4, 17, and 31 under 35 U.S.C. § 112, second paragraph as being indefinite. Accordingly, applicant has cancelled these claims.

**Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1, 2, 4-15, 17-29, and 31-36 as anticipated by the combination of Hallenstal et al. (U.S. Patent No. 6,914,911) with Badt, Jr. (U.S. Patent Application Pub. No. 2003/0133417). For the reasons discussed below, applicant believes that independent claims 1, 9, and 23 are patentable over the cited combination and should be allowed along with all remaining dependent claims.

The claims in the current application are directed, among other things, to a method for identifying the topology of a network of connected switches. Initially, each switch determines which of its ports are connected to a port on another switch. Next, a network manager retrieves from each switch the list of ports on that switch that are connected to other switches. The network manager then causes each switch to send a query message to each connected port via out-of-band communications to identify the switch that is

connected to the port. From this information, the network manager is able to build a mapping of the complete network topology.

In contrast, the system in Hallenstal is a means for bridging between a narrowband network, such as the public switched telephone network, and a broadband network. It does so by providing intermediate nodes that emulate a switch interface for the narrowband network and translate data to the appropriate format for each network. The system is particularly useful for converting ordinary telephone calls into packet-switched data.

For a claim to be rejected as obvious under 35 U.S.C. § 103, M.P.E.P. § 2143.03 requires that "all of the claim limitations must be taught or suggested by the prior art."

None of the passages cited by the Examiner disclose the step of having each switch in a network determine which of its outgoing ports are connected to other devices. The cited passage refers to identifying "connection points", which are the point of interface between a narrowband network and a broadband network. Specifically, the passage describes using a "global position number" to identify connection points. (Col. 12, lines 62-65). The global position number is an address known to both the broadband and narrowband networks as an interface point. (Col. 12, line 65 to Col. 13, line 2). The passage does not disclose having each component on a network determine which of its ports are connected.

For that matter, none of the passages cited by the Examiner mentions anything about determining the topology of a network when that topology is previously unknown. The only reference to topology in Hallenstal refers to an already-known network topology that is stored in a component 2030 on the server. (Fig. 20A, Col. 35, lines 19-32). There is no mention of automatically determining network topology.

Hallenstal does not teach or suggest what is recited in claims 1, 9, and 23 and, therefore, a *prima facie* case of anticipation under Section 103 has not been established with respect to these independent claims and the withdrawal of the rejection of these claims is requested.

Claims 2, 5-8, 10-15, 18-22, 24-29, and 32-36 depend from independent claims 1, 9, and 23 and accordingly include the features of these independent claims. For the reasons discussed above and for the additional features of these claims a *prima facie* case of anticipation under Section 103 has not been established with respect to these dependent claims and accordingly these claims should also be allowed.

### Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant submits payment of the \$450 extension fee via an EFT Account. If additional fees are due, please charge our Deposit Account No. 50-0665, under Order No. 030048032US from which the undersigned is authorized to draw.

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Respectfully submitted,

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